

including research data in its overall assessment of health risks. Public access to research data would help ensure that federal rules are based on the best science possible. I too would like to commend Senator SHELBY and Senator CAMPBELL, Chairman of the Treasury and General Government Appropriations Subcommittee, for their efforts to correct this problem.

Mr. CAMPBELL. I thank my colleague from North Carolina. The public's lack of access to federal research data is an issue of growing concern to Members of the Treasury and General Government Appropriations Subcommittee. The lack of public access to research data feeds general public mistrust of government and undermines support for major regulatory programs. The Senator from Alabama has taken the lead on this important issue and I look forward to working with him and all my colleagues who have expressed support for enhanced public access to research data in Conference.

Mr. SHELBY. I thank the Majority Leader and my colleague from North Carolina and the Senator from Colorado, the Chairman of the Treasury and General Government Appropriations Subcommittee, for their support. The Administration's resistance to providing the public access to federal research data not otherwise protected from disclosure under current law indeed contradicts the spirit of current law. The Paperwork Reduction Act of 1995 requests the Director of OMB to "foster greater sharing, dissemination, and access to public information." OMB Circular 110, Subpart C, is even more specific, stating that unless specifically waived, Federal agencies "have the right to . . . obtain, reproduce, publish or otherwise use the data first produced under an award". Unfortunately, these policy directives are not being implemented on a systematic basis. Given the prevalent use of government funded research data in developing regulations and federal policy, it is important that such data be made available to other interested Federal agencies and to the public on a routine basis for independent scientific evaluation and confirmation. I thank my colleagues for their support on this issue and I look forward to working with them to improve the language in Conference.

Mr. CAMPBELL. I thank my colleague from Alabama for raising this important issue and I look forward to working with you, Senator FAIRCLOTH and the Majority Leader in Conference to develop an effective solution.

Mr. SHELBY. I thank the Chairman for his support on this issue.

Mr. FAIRCLOTH. Mr. President, I rise today in support of the Gang Resistance Education and Training (GREAT) Program as part of the Treasury Appropriations bill for Fiscal Year 1999. I am pleased to see that this legislation increases national funding from \$10 million to \$13 million for 1999.

Gangs are a serious problem in this country. We must be proactive in finding ways to stop gang violence.

A recent article in the Washington Post noted that nearly twice as many teenagers reported gangs in their schools in 1995 as they did in 1989. School administrators from North Carolina have found that gangs and violence go together. I believe that when we couple gangs and violence with drug use and weapons, we have a formula for disaster.

Fortunately, programs like the GREAT program educate children about the perils of gangs and offer alternative ways to resolve conflicts rather than through violence. I would like to thank the Chairman of the Subcommittee on Treasury and General Government, BEN NIGHORSE CAMPBELL, for the inclusion of North Carolina counties in the GREAT program: Bladen, Cumberland, Mecklenburg, New Hanover, and Wake. I hope that more communities in North Carolina and this country will follow their lead.

Experts may say that small involvement in the GREAT program means that there is little gang activity in the state. I believe that we should not wait until there is evidence of a gang before we bring GREAT into a school district. We must be proactive in educating our young people about the dangers of gangs. If we wait until there is a problem, then we may face a deadly situation like those faced this year by several of our nation's schools. We must act before it is too late. GREAT is a sound program which I am pleased to support.

AMENDMENT NO. 3379, AS MODIFIED

Mr. GLENN. Mr. President, I would like to second the comments of my colleague from Michigan and add that I also have no objection to the McConnell amendment as it has been changed and offered today.

The amendment as it is now constructed will call for a periodic vote of the Commission to re-confirm the General Counsel, but it will not allow a partisan minority of the Commission to act unilaterally, and it will not leave the position of General Counsel open until a successor is appointed, thereby paralyzing the enforcement efforts of the agency.

I am also pleased that this amendment allows the current General Counsel to serve a term of eight years from enactment. I am confident that the amendment in its current form will be enacted into law and signed by the President.

Finally, today we add crucial money to the FEC budget in order to help the agency to investigate and prove violations of the existing law. The additional 2.8 million dollars in enforcement funds bring our Senate appropriation for the FEC up to the same level offered in the House. These funds are an important step in allowing the agency the resources it needs to investigate and enforce our remaining campaign finance laws.

Mr. CAMPBELL. I ask unanimous consent when the Senate completes all debate on S. 2312, the Fiscal Year 1999 Treasury and General Government Appropriations Act, the Chair lay before the Senate Calendar No. 478, the House companion measure, H.R. 4104; that all after the enacting clause be stricken and the text of S. 2312, as amended, be inserted in lieu thereof; and that the House bill, as amended, be read for the third time and the Senate immediately move to final passage of H.R. 4104; that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair appoint the following conferees on the part of the Senate: Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. STEVENS, Mr. KOHL, Ms. MIKULSKI, and Mr. BYRD, and that the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. With that, Mr. President, I have no further comment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. As a Senator from the State of Nebraska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. I now ask unanimous consent that the Senate stand in recess until 1:45 today.

There being no objection, the Senate, at 12:19 p.m., recessed until 1:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 5 minutes on the legislation before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I rise this afternoon to express my desire to work further with the Chair of the subcommittee and ranking minority member on a particularly important provision affecting our YMCAs, our YWCAs and other charitable organizations that do so much good work throughout the country. Throughout the recess, I heard continually from constituents who enjoy these important organizations in Oregon that they are concerned about a provision in the committee report accompanying this legislation that deals with the tax-exempt

status of these organizations. I would say that I am of the view that these nongovernmental groups can provide critically needed services in our country, particularly as it relates to juveniles: preventing crime, drug use and unwholesome activities in which some kids do get caught up.

As many in this body know, Senator SMITH and I have talked at some length about approaches to deal with the tragedy that we saw at Thurston High School earlier this year, when a young person entered the school with a gun. A number of our young constituents were killed and injured. It seems to me one of the very best antidotes to this kind of juvenile violence is the important work done in afterschool programs by these organizations. I am concerned that a provision in this legislation could curtail some of the important activities that the Y's and Jewish Community Centers and other important organizations provide.

What has transpired is that in 1984 the Internal Revenue Service issued a technical ruling making it clear that fitness activities provided by these and other organizations remain charitable as long as the entity, the nonprofit, serves a broad segment of the community. These organizations, the YMCAs, the YWCAs, the Jewish Community Centers across our country do provide critically needed services, particularly to low-income individuals. They have philanthropic missions related to health and education, community welfare. My concern is a provision relating to the tax-exempt status of these organizations, in effect, could prompt a review that would have a chilling effect over the entire range of work done by these organizations.

I have organized a letter with nine Members of this body, a bipartisan letter—Senator MACK, Senator SARBANES, Senator ROBERTS, Senator GRASSLEY, Senator MURRAY, Senator DURBIN, Senator KENNEDY, Senator MIKULSKI and myself, to make it clear to the managers of this legislation that we want to work with them on a bipartisan basis to make sure that the important work done by these community organizations is not in jeopardy. It seems to me, as we look to the 21st century, trying to make sure the budget is balanced, still meeting the needs of our communities and particularly the young people, that these are the very programs that are most likely to make a difference.

I had thought the question of the tax status of these groups was settled law in 1984. I note I am unaware of any abuses since 1984 or of any violations by the "Y's" with respect to this charitable exemption, and it is for that reason that I do ask this afternoon to work further with both the majority and the minority to make sure the tax status of these groups is protected and the important work they are doing continues to go forward and, in fact, expands in the years ahead.

Mr. President, I ask unanimous consent the letter I referred to be printed in the RECORD, and I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 3, 1998.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman,

Hon. HERB KOHL,
Ranking Democrat,

Subcommittee on Treasury, Postal Service and
General Government, Committee on Appropria-
tions, U.S. Senate, Washington, DC.

DEAR SENATORS CAMPBELL AND KOHL: We are writing to express our serious reservations about a provision in the committee report accompanying the FY99 Treasury/Postal Appropriations bill relating to tax-exempt health clubs.

The provision directs the Internal Revenue Service (IRS) to review its standards relating to "tax-exempt health clubs" and report on "regulatory changes that may be required to assure that tax-exempt health clubs are not unfairly competing against private sector organizations." In 1984, the IRS issued a technical ruling clarifying that adult fitness is a charitable activity as long as the entity serves a broad segment of the community. Moreover, under current tax law, to the extent that a charity makes a profit from a trade or business unrelated to the exercise of its charitable purpose, it will be subject to federal income tax ("unrelated business income tax" or "UBIT") on the profit. The statute and regulations on UBIT are very clear and prevent any charity from gaining a competitive advantage over a for-profit corporation.

Not-for-profit organizations, including the YMCAs, YWCAs and Jewish Community Centers (JCCs) that serve all ages, incomes and abilities likely could be adversely affected by this provision. The health and fitness services offered by these organizations are only one component of a whole range of programs available for a community. These programs are an integral part of the organization's philanthropic mission related to the health, education and welfare of the community, and are a significant component in financing such activities. Furthermore, participation in their health and fitness programs is not limited to adults: people of all ages participate in them. Among the services they provide that would be threatened are child care, juvenile delinquency prevention, substance abuse and senior nutrition programs.

We appreciate your efforts in the July 29 colloquy in which you stated your intent to have the IRS focus on adult fitness provided by tax-exempt organizations that serve only adults. However, we remain concerned that this provision still could negatively affect the millions of Americans—young and old—who participate in these community organizations. We ask that in the conference report you ensure that the interests of these individuals are protected and that the invaluable programs offered by not-for-profit organizations are not unfairly curtailed by unnecessary and overly burdensome government regulation.

Sincerely,

Connie Mack, Paul S. Sarbanes, Pat Roberts,
Chuck Grassley, Ron Wyden, Barbara A. Mikulski, Ted Kennedy, Dick Durbin, Patty Murray.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Chair lays before the Senate H.R. 4104, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for fiscal year ending September 30, 1999, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the text of S. 2312, as amended, is substituted for the House text, the bill will be read for the third time.

The bill was read a third time.

Mr. CAMPBELL. Mr. President, before asking for the yeas and nays, I would like to say a few words in closing about S. 2312.

As many of you may have noticed, this bill has not been an easy one to craft to stay within our funding constraints. We started on this bill before the August break and we are still at it. I believe in some instances, we have probably had to rob Peter to pay Paul because this bill carries programs which are all worthy and all important to everyone in this Nation.

We have had to make some difficult choices between the programs in the bill and it has been easy to do because the goal is to emerge with an acceptable balance while still doing the right thing and staying within our funding limits.

I believe though, however, we can honestly say we have done our very best to accommodate everyone's wishes and everyone's requests, even though it has not been easy.

As always, the ranking member, Senator KOHL, has been great to work with, and without him, we could not have completed this bill. So I thank the Senator from Wisconsin. I want him to know that his friendship and professional efforts and courtesy have meant a great deal to me.

In addition, I would like to take a moment to thank his staff—Barbara Retzlaff, who has been so diligent working on this bill the entire year, as well as Paul Bock and Liz Blevins for their support on the floor during our consideration. And I also thank our staff—Pat Raymond, Tammy Perrin and Lula Edwards, who spent a lot of evenings, long evenings at that, trying to make sure the bill came out the way we wanted it to.

In spite of our difficulties, I believe that we have put forth a good bill

which deserves the support of the Senate. I urge my colleagues to vote in favor of this bill.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President.

As the Chairman mentioned, this completes the floor action on the Treasury-General Government bill. By moving this bill forward, we will ensure that important financial operations and law enforcement programs funded through this bill will be fully operational at the start of the fiscal year.

I would like to take this opportunity to again thank Chairman CAMPBELL and his staff—Pat Raymond, Tammy Perrin, and Lula Edwards. Their fair and able handling of this bill makes it possible for us to move to conference where I hope all outstanding issues will be resolved quickly.

I would also like to take this opportunity to commend Secretary Rubin for presenting a budget request that was fair. And, I want to thank him and his staff for working with us, throughout the process, to make sure that important Treasury programs receive adequate funding.

Thank you, Mr. President.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I commend the chairman of the Treasury-Postal Service Subcommittee of the Appropriations Committee for the work he has done on this. It was a little bifurcated. We did work on it back before the recess, but he continued to work, working with his colleague from Wisconsin, and they produced a bill that I obviously believe has broad support. I thank them for their willingness to cooperate and go ahead and get this completed today. They have done good work, and I hope that they will get into conference early next week and have a conference report completed that we can send to the President in short order.

So I thank them for their efforts and thank my colleagues on both sides of the aisle for allowing us to get through this list of amendments we had and complete this legislation.

Mr. President, I believe we are ready to go to a vote, but after the vote we will go into recess—temporary recess—so that we can hear, before the Armed Services and Foreign Relations Committees, from Scott Ritter, a senior instructor of UNSCOM in Iraq.

I yield the floor.

Mr. CAMPBELL. Mr. President, I have one further unanimous consent request. I ask unanimous consent that after passage of H.R. 4104, S. 2312 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. I believe that concludes the debate, Mr. President. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

I also announce that Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—91

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Allard	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bond	Gramm	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchison	Roth
Chafee	Inhofe	Santorum
Cleland	Jeffords	Sarbanes
Coats	Johnson	Sessions
Cochran	Kempthorne	Shelby
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
D'Amato	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Enzi	Wyden
Faircloth	Lugar	

NAYS—5

Ashcroft	Feingold	Smith (NH)
Brownback	Hutchinson	

NOT VOTING—4

Bingaman	Inouye
Helms	Murkowski

The bill (H.R. 4104), as amended, was passed.

(The text of the bill (H.R. 4104) will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. ENZI) appointed Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. STEVENS, Mr. KOHL, Ms. MIKULSKI, and Mr. BYRD conferees on the part of the Senate.

UNANIMOUS CONSENT AGREEMENT—S. 2334, VITIATION OF ADOPTION OF AMENDMENT NO. 3539

Mr. CAMPBELL. Mr. President, I ask unanimous consent that, notwithstanding the passage of S. 2334, amendment No. 3539, previously adopted, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

RECESS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now stand in recess until 3:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate, at 2:33 p.m., recessed until 3:31; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRASSLEY).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Iowa, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The assistant legislative clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1873

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to Calendar No. 345, S. 1873, the missile defense bill.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

AMERICAN MISSILE PROTECTION ACT OF 1998—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. In light of the objection, I now move to proceed to S. 1873 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the